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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,035	02/14/2002	L. Taizo Toelken	474-4	7398
7590	01/06/2004		EXAMINER	
Jonathan A. Bay Attorney at Law 333 Park Central East, Ste. 314 Springfield, MO 65806			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/076,035

Applicant(s)

TOELKEN, L. TAIZO

Examiner

David J Parsley

Art Unit

3643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

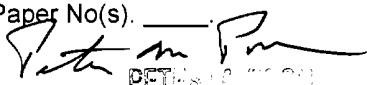
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 2-6, 9-13 and 16-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


PETER A. [unclear]
SUPERVISORY EXAMINER
TECHNOLOGY CENTER 3600

12/31/03

Continuation of 2. NOTE: the addition of the limitations "...by a non-contacting ultrasonic wave source of ultrasonic waves to obtain a single measurement from that needs only a single nominal operating frequency in order to propagate a spectrum of effects...", "...wherein the spectrum can be graphed according to the different speed or alternatively because of the inverse relationship thereto, time-of-flight at which a select effect propagated from the source to the detector..." and "...further comprises an information portion that such that said spectrum can be graphed against a vertical axis for detected power versus horizontal axis for the corresponding time-of-flight wherein the spectrum as graphed..." and "...steady and strong peaks of detected power along the time of flight axis and further that the two peaks are sufficiently steady over a sufficient amount of analysis time..." in claim 1, the addition of the limitations "...wherein said signal contains a spectrum of influences in the shells that are product of the source ultrasonic waves such that said spectrum can be graphed according to the different speed or alternatively because of the inverse relationship thereto time-of-flight at which a select influence propagated from the source to the detector..." and "...wherein the detected signal select influence is sought after for detection and analysis comprises detected-signal strength such that said spectrum is transformable..." and "...steady and strong peaks of detected-signal strength in the profile thereof, which peaks are furthermore analyzed for ability in contrast to inability to remain sufficiently steady all while during the analysis thereof..." in claim 9 and the addition of the limitations "...wherein said spectrum can be plotted according to different speed or alternatively because of the inverse relationship thereto, time-of-flight at which a select signal propagated from the source to the detector..." and "...as along one axis, detected strengths of the various select signals strength versus, as along another axis, time-of-flight from source to detector for each, which profile comprises an information portion that wherein said spectrum is analyzed for a positive indication of premium grade comprising two sufficiently steady and strong peaks of detected-signal strength in the profile thereof, which peaks are furthermore analyzed for ability in contrast to inability to remain sufficiently steady all while during the analysis thereof..." in claim 16, raise new issues that require further consideration and/or search.